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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,814	06/05/2001	Ashvinkumar J. Sanghvi	MSI-689US	5999
22801	7590	04/03/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			SIDDIQI, MOHAMMAD A	
			ART UNIT	PAPER NUMBER

2154

DATE MAILED: 04/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/875,814

Applicant(s)

SANGHVI ET AL.

Examiner

Mohammad A. Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 and 22-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 and 22-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 and 22-29 are presented for examination. Claim 21 has been canceled.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 6, 7 and 14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. For example, in claim 14, the phrase "Arranging conflicting policy templates in order from global policies to local policies; determining an intersection of the conflicting policy; and selecting the preferred policy template based on the policy template closest to the local policies and within the intersection of the conflicting policy templates.", the order possibly can be in consecutive or hierarchal, in either instances applicant has no limitation/language that an intersection can possibly occur. Determination of intersection is vague and indefinite. See MPEP § 2173.05(d). Furthermore, the claim allows plurality of local policies that can be conflicting. The selection of the preferred policy

closest to the local cannot be achieved. If all the conflicting policies are local policies, either don't intersect or have similar intersection.

Conceivably computer implemented method can have global policy with series of local policies, where all policies intersects in conflict. The claim alludes selecting closest to local policy within the intersection of the conflicting policies. There is no way to determine the preferred policy since conceivably all the policy closest to the local policies.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-20 and 22-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Thebaut et al. (5,889,953) (hereinafter Thebaut).

6. As per claim 1, Thebaut discloses a computer-implemented method comprising:

identifying multiple policies to be combined together (policy is interpreted as set of rules that govern the interaction between a subject and an object, col 4, lines 5-25);

determining whether any conflicts exist between the multiple policies (col 4, lines 25-35);

adding non-conflicting policies to a merged policy set (producing a rule set, col 4, lines 15-25); and

resolving conflicting policies by selecting a preferred policy based on an allowed range of policy value (col 4, lines 25-54); and

including the preferred policy in the merged policy set (col 4, lines 15-24; lines 45-57).

7. As per claim 2, Thebaut discloses the preferred policy represents a preferred range of values associated with at least one of the multiple policies (rule that satisfies largest number of conditions, lines 45-54).

8. As per claim 3, Thebaut discloses determining an allowed range of values associated with the multiple policies (most specific to least specific to col 4, lines 45-54).

9. As per claim 4, Thebaut discloses the preferred policy is contained within the allowed range of values associated with the multiple policies (most specific to least specific to col 4, lines 45-54).

10. As per claim 5, Thebaut discloses deleting policies that are outside the allowed range of values (col 4, lines 40-54), wherein the allowed range of values is associated with the multiple policies (most specific to least specific to col 4, lines 45-54).

11. As per claim 6, Thebaut discloses selecting a preferred policy includes: arranging conflicting policy templates from global policies to local policies (most specific to least specific to col 4, lines 45-54);

determining an intersection of the conflicting policy templates (overlapping, col 4, lines 40-44; col 8, lines 61-67; col 9, lines 1-21); and
selecting the preferred policy template based on the intersection of the conflicting policy templates (overlapping, col 4, lines 40-54; col 8, lines 61-67; col 9, lines 1-21).

12. As per claim 7, Thebaut discloses selecting a preferred policy includes: arranging conflicting policy templates from global policies to local policies (most specific to least specific to col 4, lines 45-54);

determining an intersection of the conflicting policy templates (overlapping, col 4, lines 40-44; col 8, lines 61-67; col 9, lines 1-21); and selecting the preferred policy template based on the policy template closest to the local policies and within the intersection of the conflicting policy templates (overlapping, col 4, lines 40-54; col 8, lines 61-67; col 9, lines 1-21).

13. As per claim 8, Thebaut discloses the policies are event-handling policies (col 4, lines 9-15).

14. As per claim 9, Thebaut discloses the policies define how a device is to be configured (col 4, lines 58-64).

15. As per claim 10, Thebaut discloses the policies identify the types of events that are provided to each device (col 4, lines 8-15; col 3 lines 31-34).

16. As per claim 11, Thebaut discloses resolving conflicting policies includes comparing related policies individually (col 8, lines 61-65).

17. As per claim 12, Thebaut discloses wherein the method is implemented by a management module (PCM, col 4, lines 63-67).

18. As per claim 13, Thebaut discloses one or more computer-readable memories containing a computer program that is executable by a processor to perform (col 5, lines 60-65; col 6 lines 1-11).

19. As per claim 14, the claim is rejected for the same reasons as claims 1 and 7, above.

20. As per claim 15, Thebaut discloses the preferred policy represents a preferred range of values associated with at least one of the multiple policies (col 4, lines 45-54).

21. As per claim 16, Thebaut discloses deleting policies that are outside the preferred range of values (col 4, lines 40-54).

22. As per claim 17, the claim is rejected for the same reasons as claims 14 and 8 above.

23. As per claims 18, the claim is rejected for the same reasons as claims 14 and 9 above.

24. As per claim 19, the claim is rejected for the same reasons as claims 14 and 13 above.

25. As per claim 20, claim is rejected for the same reasons as claim 1, above. In addition Thebaut discloses a storage device (fig 15, col 16, lines 54-65); a management module coupled to the storage device (col 16, lines 54-65; col 4, lines 63-67, policy-based configuration manager).

26. As per claim 22, the claim is rejected for the same reasons as claims 20 and 7 above.

27. As per claim 23, Thebaut discloses the management module is part of an enterprise computing system (col 4, lines 63-67).

28. As per claim 24, the claim is rejected for the same reasons as claims 20. In addition, Thebaut discloses the management module receives event data generated by a plurality of event providers coupled to the management module (col 4, lines 8-15; lines 63-67; col 5, lines 1-21).

29. As per claim 25, the claim is rejected for the same reasons as claims 20 and 9 above.

30. As per claim 26, the claim is rejected for the same reasons as claims 20 and 10 above.

31. As per claims 27-29, claims are rejected for the same reasons as claims 1-10, above.

Response to Arguments

32. Applicant's arguments filed 01/25/2006 have been fully considered but they are not persuasive, therefore rejections to claims 1-20 and 20-29 is maintained.

In response to applicant's argument regarding 35 U.S.C. 112 , second paragraph, examiner does not fully understand how "selecting a preferred policy based on the policy closest to the local policies and within the intersection of the conflicting policies" can be accomplished. Examiner further argues:

Conceivably computer implemented method can have global policy with series of local policies, where all policies intersects in conflict. The claim alludes selecting closest to local policy within the intersection of the conflicting policies. One skilled in the art clearly would not know how to determine the preferred policy since conceivably all the policy closest to the

local policies. The Examiner takes note of the Applicant's remark; however, Applicant's remark could not be imported into the claim. Therefore, the 35 U.S.C. 112 , second paragraph, rejection to claim 6, 7 and 14 is maintained.

33. Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

34. Applicant's arguments do not comply with 37 CFR 1.111(c) because they do not clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. Further, they do not show how the amendments avoid such references or objections.

35. In the remarks applicants argued that:

Argument: Thebaut does not teach non conflicting policies are merged in the policy set.

Response: Thebaut teaches non conflicting policies are merged in the policy set (col 4, lines 15-21, step one and two collects the rules/policies, step 3 resolves the conflict if there is any conflict, the intent would be collecting non conflicting rules/policies, see discussion of PCM, col 5, line 60 contd. col 6, lines 1-31).

Argument: Thebaut does not teach resolving policies by selecting a preferred policy based on an allowed range of policy values.

Response: Thebaut teaches resolving conflicting policies by selecting a preferred policy based on an allowed range of policy value (please see discussion policy conflict resolution, col 4, lines 25-54, select the rule according to a predefined priority ranking).

Argument: Thebaut does not teach arranging conflicting policies in order from global policies to local policies.

Response: Thebaut teaches arranging conflicting policies in order from global policies to local policies (most specific to least specific suggests

grouping in order, col 4, lines 35-54 and please see discussion of PCM, col 5, line 60 contd. col 6, lines 1-31).

Argument: Thebaut does not teach determining an intersection of the conflicting policies.

Response: Thebaut teaches determining an intersection of the conflicting policies (in order to disallow overlapping anticipates determining intersection, col 4, lines 40-44; col 8, lines 61-67; col 9, lines 1-21).

Argument: Thebaut does not teach selecting the preferred policy based on the policy closest to the local policies and within the intersection of the conflicting policies.

Response: Thebaut does not teach selecting the preferred policy based on the policy closest to the local policies and within the intersection of the conflicting policies (overlapping, col 4, lines 35-54; col 8, lines 61-67; col 9, lines 1-21, selecting the rules to a predefined ranking).

Conclusion

36. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


37. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS

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